

REMARKS

Reconsideration is respectfully requested in view of the amendments made to the claims and for the remarks made herein. Claims 1-3 and 6-8 are pending and stand rejected. Claim 5 has been cancelled without prejudice. Claims 1, 2, 3, 7, and 8 are independent claims. Claims 1-3, and 6-8 have been amended.

The Drawings stand objected to for not having descriptive labels. In response, replacement sheets have been provided with descriptive labels as indicted by the Examiner. Accordingly, applicants request removal of this objection.

The Abstract stands objected to for not having descriptive labels. In response, the Abstract has been amended to as suggested by the Office Action. Accordingly, applicants request removal of this objection.

Claims 5 and 6 stand rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Claim 5 has been cancelled, however, claims 1-3 and 7-8 have been substantively been amended to recite the limitations of claim 5. This limitation is fully supported and enabled in the specification at least on page 7, lines 8-13. Claim 6 has been amended to no longer comprise the feature “*defining the service (...) independently of the itinerary computation*”. Instead, amended claim 6 specifies that a service can be defined independently of the definition of an itinerary search criterion. This limitation is fully supported and enabled in the specification at least on page 4, line

32 – page 5, line 2. Accordingly, applicants believe the claims comply with USC 112, first paragraph and removal of the rejection is respectfully requested.

Claims 1-3 and 5-8 stand rejected under 35 USC §112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees. However, in the interest of expediting prosecution, claims 1-3, 7 and 8 have been amended. In particular, claims 1, 2 and 8 have been amended to recite “a processor...” instead of means plus function limitations. Support for this amendment can be found in the specification at least on page 4, lines 3-14. Claim 3 has been amended to recite “A search method *for a user using a user entity*, the method comprising the steps of: *by the user using the user entity...*” thereby defining what or who, as indicted by the Office Action. Claim 7 has been rewritten as a standard statutory Beauregard claim. Accordingly, applicant believes that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1-3 and 5-8 stand rejected under 35 USC §103(a) as being unpatentable over Toyota (EP 0785537) in view of Little (USPPA 20020055852) in further view of Taylor (2002/0167442 A1).

Claims 1-3 and 7-8 have been amended to recite the limitations of “compute at least one itinerary from said search criterion by using a transport database, said itinerary

considering two or more forms of transportation to determine an optimal itinerary based on various transport modes...”

As indicated by the Office Action, Toyota fails to disclose the itinerary considering forms of transportation.

Little discloses a system for presenting and selecting information on providers of goods or services via a voice interactive device based upon a consumer's location. Little discloses locating nearby providers that match a detailed provider request wherein the nearby providers are prioritized according to a predetermined criteria such as by distance, travel time, sponsorship or other possible criteria. (see Abstract).

Taylor discloses a portable information system which uses GPS data as a key to automatically retrieve audiovisual data from a database. The device has various modes of operation including walking, boating, flying.

The Office asserts that it would have been obvious to modify the teachings of Toyota to include the mode of transportation while planning a user's itinerary per the teachings of Little for the advantage of not including locations that are only accessible and the mode of operation feature of Taylor. Applicants respectfully disagree.

As previously noted, although Little may disclose accessibility being a factor to determine a ranking of the provider, Little does not disclose that the proximate conditions of determining a service provider are based on the form of transportation, as is recited in the claims. Rather, Little discloses "determining that a ... provider is within a general area is less specific activity than determining if it is within a threshold distance of a particular location. For example, a simple box may be created around the location by adding or subtracting values from the ... coordinates of a location." (see para. 0061). However, Little fails to disclose that the predetermined distance (i.e., the threshold distance) or the location is based on the form of transportation, as is recited in the claims. Thus, Little fails to disclose the element of "the proximate conditions of determining a service provider are based on the form of transportation *to determine an optimal itinerary based on various transport modes.*"

Although, Tayler discloses that its device may have various modes of transportation, e.g. walking or flying, it does not teach "said itinerary considering *two or more forms of transportation to determine an optimal itinerary based on various transport modes*" Tayler simply has different modes and adjusts the presentation to suit the mode of travel, see [0040] or which may be needed for specific applications, see [0041] – [0042].

Claim 6 recites the limitation of "wherein the service can be *user* defined independently of the definition of the at least one itinerary search criterion, and in that the

services defined are stored in a current list intended to be used during the itinerary computation.

Although Toyota may teach that the system may recalculate itinerary based upon unexpected obstacles (e.g., a traffic jam) it does not teach that they are user defined or stored in a list and used during the itinerary computation.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made, as neither of the references provides any teaching, suggestion or motivation to establish proximate conditions based on the form of transportation to determine an optimal itinerary based on various transport modes, as is recited in the claims.

Accordingly, the independent claims, and dependent claim 6, are not obvious over the cited prior art as these cited references fail to disclose all the elements recited in the independent claims.

For the amendments made to the claims and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that all the rejections be withdrawn and a Notice of Allowance be issued.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Thomas J. Onka', is written over a horizontal line.

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